

EDWARDS ANGELL PALMER & DODGE LLP

101 Federal Street Boston, MA 02110 617.439.4444 fax 617.439.4170 eapdlaw.com

**RECEIVED
CENTRAL FAX CENTER****JUN 02 2006****Date :** June 2, 2006**Pages (including cover) :** 32**Sender :****Name** Steven M. Jensen
Fax 617.439.4170
Email sjensen@eapdlaw.com**Phone** 617.517.5531**To :**
U.S. Patent & Trademark Office**Fax**
571-273-8300**Phone****If you experience problems receiving this fax, please call Kathleen M. Drury at 617.951.2288.****Message :** Re: Our Docket No. 49481 (70551)
U.S. Serial No. 09/471,829Please enter the attached Request for Reconsideration of the Information
Disclosure Statement filed on August 19, 2002 and related papers.**Fax**

Confidentiality Notice: The documents accompanying this facsimile contain information from the law firm of Edwards Angell Palmer & Dodge LLP, which may be confidential and/or privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us or an e-mail to you.

BOSTON | FT. LAUDERDALE | HARTFORD | NEW YORK | PROVIDENCE | SHORT HILLS | STAMFORD | WEST PALM BEACH | WILMINGTON | LONDON

**RECEIVED
CENTRAL FAX CENTER****JUN 02 2006** Packet No. 49481 (70551)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: M. Hatanaka et al.

U.S. SERIAL NO.: 09/471,829

GROUP: 2877

FILED: December 23, 1999

EXAMINER: S. Turner

FOR: APPARATUS AND METHOD FOR MEASURING THE THICKNESS
OF A THIN FILM VIA THE INTENSITY OF REFLECTED LIGHT**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the U.S. Patent & Trademark Office by facsimile number 571-273-8300 on June 2, 2006.

By: 

Steven M. Jensen

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION of
INFORMATION DISCLOSURE STATEMENT FILED ON AUGUST 19, 2002**

Sir:

Applicants appreciate the courtesy of Supervisory Examiner Toatley in conducting a telephone interview with Applicants' representative on June 2, 2006. During the telephone interview, Applicants' representative described the following facts regarding an Information Disclosure Statement (IDS) filed on August 19, 2002, in which the cited references were not fully considered by the U.S. Patent and Trademark Office.

Upon conducting a post-allowance review of the above-referenced application, Applicants noticed that an incomplete Form PTO-1449 was signed and returned by the Examiner with regard to the Information Disclosure Statement (IDS) filed on August 19, 2002.

M. Hatanaka et al.
U.S. Serial No. 09/471,829
Page 2 of 2

On the returned Form PTO-1449, the Examiner signed the Form PTO-1449 and initialed reference "CA" but did not initial the references "BA" and "BB." Next to each of these references on the Form PTO-1449 is a handwritten note indicating that the reference was "lost" by the U.S. Patent and Trademark Office (see attached copy submitted herewith).

Also attached is a copy of the return postcard, which has been stamped by the U.S. Patent and Trademark Office indicating a date of receipt of "Aug 26 2002."

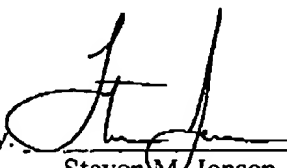
Applicants respectfully request reconsideration of the IDS filed on August 19, 2002. A duplicate copy of the IDS and Form PTO-1449 are attached. Also attached are the references previously indicated as "lost": Japanese Publication 8-136710 and its English-language abstract, and Japanese Publication 11-184104 and its English-language abstract.

Applicants kindly request that the Examiner consider the above references cited in the IDS of August 19, 2002, and return an initialed and signed copy of the Form PTO-1449.

Applicants believe that additional fees are not required, however, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

Date: June 2, 2006

By: 
Steven M. Jensen
(Reg. No. 42,693)

Phone: (617) 439-4444


Customer No. 21874

Edwards Angell Palmer & Dodge
P.O. Box 55874
Boston, MA 02205

Page 5

COPY OF PAPER
ORIGINALLY FILED

Sheet 1 of 1

FORM PTO-1449				ATTY DOCKET NO. 70551-49481		SERIAL NO. 09/471,829	
INFORMATION DISCLOSURE STATEMENT 				APPLICANT(S): M. Hatanaka, et al.			
				FILING DATE: 12/23/1999		ART UNIT: 2877	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPR
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES/NO
	BA	08136710 A	05/31/1996	Japan			See English Abstract - lost
	BB	11184104 A	07/09/1999	Japan			" - lost
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
<i>pen</i>	CA	Korean Patent Office Action (NOTICE OF GROUND OF REJECTION)					
Examiner: <i>Phi wt</i>				Date: <i>4/10/3</i>			

DOS2_310227.1

DGC
49481
(0551)

Mailing Date August 19, 2002
Client: 70551
Inventors: M. Hatanaka, et al.
Serial No.: 09/471,829
Filing Date: 12/23/1999

Attorney/Sec: DGC/lmr
Docket No. 49481

Patent No.:
Grant Date

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of

OFFICE ACTION/SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT
Form PTO-1449 (Two references)
Korean Patent Office Action and translation
Certificate of mailing
Return stamped postcard

Due Date: 9/4/2002



Page 1

Attorney Docket No. 70551/49481

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: H. Hatanaka, et al.

U.S.S.N. 09/471,829

Art Unit: 2877

FILED: December 23, 1999

Examiner: Not Yet Assigned

FOR: THICKNESS MEASUREMENT APPARATUS OF THIN
FILM USING LIGHT INTERFERENCE METHOD.....
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, Postage prepaid, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 19, 2002.

By: Louise M. Rappaport
Louise M. Rappaport

.....

**OFFICE ACTION/SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE)**

Commissioner for Patents
Washington, D.C. 20231

Date August 16/2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

Page 2

II. COPIES

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☒ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☒ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

See English Abstracts of References BA and BB. See also English translation of the Korean Patent Office Action (NOTICE OF GROUND OF REJECTION).

- c. ☒ The following additional information is provided for the Examiner's consideration:
- Korean Patent Office Action (Notice of Ground of Rejection).

FEESIV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.

Page 3

- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$_____ is required by 37 C.F.R. § 1.17(p).
- or
- b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

Page 4

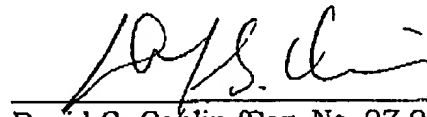
☐ Please charge Deposit Account No. 04-1105 in the amount of \$_____ for the above-indicated fee. A triplicate copy of this paper is attached.

☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: August 16, 2002



David G. Cohnlin (Reg. No. 27,026)
DIKE, BRONSTEIN, ROBERTS & CUSHMAN
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel: (617) 439-4444

Page 5

Sheet 1 of 1

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 70551-49481		SERIAL NO. 09/471,829	
				APPLICANT(S): M. Hatanaka, et al.			
				FILING DATE: 12/23/1999		ART UNIT: 2877	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPR
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES/NO
	BA	08136710 A	05/31/1996	Japan			See English Abstract
	BB	11184104 A	07/09/1999	Japan			"
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
	CA	Korean Patent Office Action (NOTICE OF GROUND OF REJECTION)					
Examiner:				Date:			

BOG2_310227.1